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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Case No.:21-cv-09649 JXN-JRA

RAMAPOUGH MOUNTAIN INDIANS, INC.,

Plaintiff,

-vs-

DANIEL THOMAS,

Defendant.

**NOTICE OF MOTION TO DISMISS
AMENDED COMPLAINT**

Document Filed Electronically

TO: BENNET D. ZUROFSKY, ESQ.

161 Walnut Street

Montclair, NJ 07042-3801

PLEASE TAKE NOTICE that on February 6, 2023 the undersigned attorneys for Defendant, Daniel Thomas (“Defendant”), shall move before The Honorable Julien X. Neals, U.S.D.J. for an Order dismissing the Amended Complaint (Dkt. #35) pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6).

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendant shall rely upon the Brief and Declaration of Counsel filed and served simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is filed and served simultaneously herewith.

LUM, DRASCO & POSITAN LLC
Attorneys for Plaintiff, Daniel Thomas

By: /s/ Kevin J. O'Connor
KEVIN J. O'CONNOR

DATED: December 16, 2022

CERTIFICATION OF SERVICE

The undersigned counsel hereby certifies and declares that copies of the foregoing Notice of Motion to Dismiss the Amended Complaint and supporting papers were served upon the counsel of record for Plaintiff, Ramapough Mountain Indians, Inc. via the Court's CM/ECF system on this 16th day of December, 2022

/s/ Kevin J. O'Connor
KEVIN J. O'CONNOR